

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS**

The Secretary, United States Department)	
of Housing and Urban Development,)	
on behalf of NAME REDACTED ,)	
NAME REDACTED , and)	
their two minor children)	
)	HUDOHA No. _____
Charging Party,)	
)	FHEO No. 04-18-1199-8
v.)	
)	
Chad David Ables, d/b/a REDACTED ,)	
)	
Respondent.)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On January 29, 2018, Complainants **NAME REDACTED** (“Complainants”) filed a timely complaint with the U.S. Department of Housing and Urban Development (“HUD” or the “Department”) alleging that Respondent Chad David Ables (“Respondent”) subjected them to sexual harassment in violation of the Fair Housing Act (“Act”), 42 U.S.C. §§ 3601-19. The complaint identified Complainants’ two minor children as aggrieved persons. Complainants amended their complaint on May 5, 2018 to correct Respondent’s first name.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination on behalf of aggrieved persons following an investigation and determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. See 42 U.S.C. § 3610(g)(1)-(2). The Secretary has delegated that authority to the General Counsel, see 24 C.F.R. §§ 103.400 and 103.405, who has re-delegated that authority to the Associate General Counsel for Fair Housing and the Assistant General Counsel for Fair Housing Enforcement. 76 Fed. Reg. 42463, 42465 (July 18, 2011).

The Director of the Office of Systemic Investigations in the Office of Fair Housing and Equal Opportunity has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in this case and has authorized and directed the issuance of this Charge of Discrimination. See 42 U.S.C. § 3610(g)(2).

II. SUMMARY OF FINDINGS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the Determination of Reasonable Cause, Respondent Chad David Ables is hereby charged with violating the Act as follows:

A. Legal Authority

1. It is unlawful to refuse to rent or make unavailable or deny a dwelling to any person because of sex. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(3), 100.60(b)(5) and (b)(7), and 100.70(b).
2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection therewith, because of sex. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2), 100.65(a) and (b)(5) - (b)(7), and 100.70(b).
3. It is unlawful to make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on sex, or the intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4), 100.75(a) and (b).
4. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of her having exercised or enjoyed, any right granted or protected by Section 804 of the Act. 42 U.S.C. § 3617; 24 C.F.R. §§ 100.400(b) and (c)(2).

B. Parties and Subject Property

5. Complainants **NAME REDACTED**, both women, are in a same-sex relationship and have two minor children. Complainants and their minor children are aggrieved persons, as defined by subsection 802(i) of the Act. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20.
6. At all times relevant to the allegations described in this charge, Complainants resided in a mobile home located at **ADDRESS REDACTED**, Lexington, Tennessee ("subject property"). Complainants' minor children resided with them for the majority of Complainants' tenancy at the subject property. The subject property is situated within an unincorporated mobile home park comprised of approximately 21 units. The subject property is a dwelling, as defined by subsection 802(b) of the Act. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.
7. Respondent Chad David Ables owns and manages a 21-unit mobile home park called **REDACTED** located at **REDACTED**, Lexington, Tennessee. The subject property is one of the mobile homes in **REDACTED**. Respondent does business as **REDACTED**.

C. Sexual Harassment Allegations

8. On or about October 8, 2017, Complainants entered into an oral lease agreement with Respondent to rent the subject property. Pursuant to the agreement, Complainants moved into the subject property on or about October 12, 2017 and were required to pay a security deposit of \$300 and monthly rent of \$450, prorated for the month of October 2017.
9. On or about November 1, 2017, Respondent arrived at the subject property to collect rent. Complainant **REDACTED** went outside to meet Respondent at his truck. As they talked, Respondent took out his cell phone and began showing Complainant **REDACTED** sexually explicit photos. As Respondent showed Complainant **REDACTED** one such photo of a woman's breasts, he commented, "those are nice boobs."
10. Respondent then proceeded to show Complainant a video of a woman masturbating.
11. Respondent told Complainant **REDACTED** that the women in the photos and video were his tenants and that they sent him the photos and video in exchange for rent.
12. Complainant **REDACTED** told Respondent that she felt uncomfortable viewing the photos and video. However, Respondent dismissed or otherwise ignored her expressions of discomfort and stated that she "had the same body parts" and "you know you have seen a vagina before."
13. Respondent then told Complainant **REDACTED** she "wouldn't have to worry about the rent" if she sent him photos or videos of herself or of her and Complainant **REDACTED** being intimate.
14. Respondent also asked Complainant **REDACTED** if she was interested in men. Complainant **REDACTED** answered that she was not and stated that she had never been intimate with a man. Respondent then stated that Complainant **REDACTED** should "try it" it with him, suggesting that they should have sex or engage in other sexual conduct. Complainant **REDACTED** rejected Respondent's request, after which Respondent remarked "that p***y has to be tight."
15. Complainant **REDACTED** again indicated to Respondent that his statements and remarks made her uncomfortable, to which Respondent responded by stating that he "plays with all his tenants like that."
16. At one point during the encounter, Respondent placed his hand on Complainant **REDACTED** shoulder, asked her to come closer, and claimed that he was hard of hearing. Complainant **REDACTED** requested that Respondent not touch her.
17. Complainant **REDACTED** ended the encounter by going back inside her home.

18. On or about November 3, 2017, Respondent returned to the subject property to collect the rent. Complainant **REDACTED** met Respondent outside and told him that that he made Complainant **REDACTED** uncomfortable when he made sexual comments and touched her.
19. Respondent apologized, but then proceeded to ask Complainant **REDACTED** if she had any friends he could “take out, show off, and f**k.” Complainant **REDACTED** responded by stating that she did not know anyone in Respondent’s age range.
20. Respondent then took out his phone and showed Complainant **REDACTED** sexually explicit photos of women, including photos of women’s breasts and vaginas and a photo of a woman lying naked across a bed. As he showed her these images, Respondent made comments insinuating that he dated younger women.
21. In addition to the sexually explicit photos, Respondent also showed Complainant **REDACTED** a portion of a video of a woman masturbating, whom he stated was one of his tenants.
22. As he showed Complainant **REDACTED** the sexually explicit photos and video, Respondent also stated that he had taken one of his female tenants out for dinner for her birthday. Respondent remarked that the tenant had a “nice rack” and told Complainant **REDACTED** that he bought her a cake in the shape of breasts. Respondent further stated that the tenant had sex with him and sent him sexually explicit photos and videos in exchange for rent.
23. To end the encounter, Complainant **REDACTED** told Respondent that she did not want to see the images and went back inside her home.
24. For the remainder of their tenancy at the subject property, Complainants generally kept their blinds down out of fear that Respondent would watch them through the windows. Complainants also kept their children indoors out of fear that Respondent would behave inappropriately toward them, particularly their daughter.
25. On or around December 2, 2017, Respondent called Complainant **REDACTED** to ask for Complainants’ rent payment. Complainant **REDACTED** told Respondent that she would be home soon and would make a payment then. However, when Complainant **REDACTED** arrived home, she discovered that Respondent had shut off the water to Complainants’ home, an action which is prohibited by Tennessee law. *See* Tenn. Code Ann. § 66-28-511. Complainant **REDACTED** made a \$218 payment and told Respondent that she would press sexual harassment charges against him if he did not turn the water back on. In response, Respondent told her that there was “no need to call the police” and that he “treated all his tenants like that.” Sometime shortly after this exchange, Respondent turned Complainants’ water back on.
26. Respondent shut off Complainants’ water on several other occasions over the next several days. When he did, Complainants turned the water back on themselves, only to have Respondent or his agents shut it off again.

27. On December 8, 2017, Respondent went to Complainants' home to collect additional rent. Complainant **REDACTED** told Respondent that Complainants would be vacating the property after Christmas. Upon hearing this, Respondent demanded that they instead move out immediately. Complainant **REDACTED** replied that Respondent had to give them a 30-day notice. Respondent then shut off the water supply to Complainants' home again.
28. That same day, Complainant **REDACTED** contacted the Henderson County Sheriff's Department to report Respondent's sexual harassment and to complain that Respondent had shut off the water to Complainants' home.
29. On or about December 10, 2017, Respondent severed or otherwise physically disconnected the water supply line that delivered water to Complainants' home, such that Complainants could not turn the water supply back on themselves. Despite having no running water, Complainants continued to live at the subject property, but they sent their children to live with relatives for the remainder of their tenancy. Until they vacated the subject property, Complainants were forced to collect rainwater in buckets and ask neighboring tenants for water to meet basic needs. Respondent instructed some neighboring tenants not to provide Complainants with water.
30. On or about December 15, 2017, Respondent delivered to Complainants a 10-day notice to vacate that was dated December 8, 2017, which stated that Complainants were delinquent in their rental payments. The notice also stated "[a]ny utilities furnished are terminated immediately for non-payment," a practice which is expressly prohibited by Tennessee law. *See* Tenn. Code Ann. § 66-28-511.
31. Sometime before December 20, 2017, Complainants were granted a no contact order against Respondent by the Henderson County Court of General Sessions.
32. On December 20, 2017, Complainants filed a civil complaint against Respondent in the General Sessions Court of Henderson County, Tennessee claiming breach of quiet enjoyment and breach of contract. In the complaint, Complainants alleged that Respondent "has a practice of pressuring and harassing tenants into performing sexual favors for him instead of paying their monthly rent," and that on "several occasions, [Complainants] have refused [Respondent's] unwanted sexual advances." The complaint further alleges that "[Respondent] has forced the [Complainants] to view images and videos, on the [Respondent's] cell phone, of other tenants who have succumbed to [Respondent's] sexual advances; these images and videos are of a sexual and graphic nature." In the Complaint, Complainants requested damages and an order requiring Respondent to immediately reconnect the water supply to Complainants' home.
33. Complainants vacated the subject property on or about December 23, 2017.

D. Legal Allegations

34. As described above, Respondent violated Subsection 804(a) of the Act when he made housing unavailable to Complainants because of sex by shutting off water service to

Complainants' home and issuing them an eviction notice after Complainants rejected Respondent's unwelcome sexual advances or requests. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(3), 100.60(b)(5) and (b)(7), and 100.70(b).

35. As described above, Respondent violated Subsection 804(b) of the Act when he discriminated against Complainants in the terms, conditions, or privileges of the rental of a dwelling because of sex by subjecting Complainants to unwelcome sexual conduct and shutting off Complainants' water service and issuing Complainants an eviction notice after Complainants rejected Respondent's unwelcome sexual advances. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2), 100.65(a) and (b)(5) - (b)(7), and 100.70(b).
36. As described above, Respondent violated Subsection 804(c) of the Act by making numerous statements to Complainants with respect to the rental of the subject property that indicated a preference, limitation, or discrimination because of sex, or the intention to make any such preference, limitation, or discrimination, including unwelcome sexual comments and requests for sex or sexual acts. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4), 100.75(a) and (b).
37. As described above, Respondent violated Section 818 of the Act by subjecting Complainants to unwelcome sexual requests, comments, and other conduct, which interfered with Complainants exercise or enjoyment of a right granted or protected by Section 804 of the Act. 42 U.S.C. § 3617; 24 C.F.R. §§ 100.400(b) and (c)(2).
38. As a result of Respondent's discriminatory conduct, Complainants suffered actual damages, including humiliation and other emotional distress.

III. CONCLUSION

WHEREFORE, the Secretary of the U.S. Department of Housing and Urban Development, through the Office of General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges Respondent with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(a), 3604(b), 3604(c) and 3617, and requests an Order be issued that:

1. Declares that Respondent's discriminatory housing practices, as set forth above, violate subsections 804(a), 804(b) and 804(c) and section 818 of the Act, 42 U.S.C. §§ 3604(a), 3604(b), 3604(c), and 3617;
2. Enjoins Respondent, his agents, employees, and successors, and all other persons in active concert or participation with them, from discriminating because of sex against any person in any aspect of the sale or rental of a dwelling;
3. Awards such monetary damages as will fully compensate Complainants;
4. Assesses a civil penalty of \$20,111 against the Respondent pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 100.671(a)(1); and

5. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3).

Respectfully submitted on this _____ day of October 2018.

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